

REMARKS

Claims 1-62 are now in the case.

Applicants have amended claims 1, 23, 27 and 37 which now include the features of a cleaning sheet having a first and a second outward surface wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys.

Applicants have amended claims 2-12, 14, 24 and 25 to make minor corrections.

Applicants have also added dependent claims 57-62 to claim additional features described in the specification. Each of these amendments is supported by the specification (see page 2, lines 33-35, page 9, line 15 and page 11, line 8-12 and line 28) and claims as filed.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Information Disclosure Statement

The Applicants appreciate and acknowledge the mention by the Examiner that the Information Disclosure Statement submitted August 28, 2001, has been considered by the Examiner.

The Applicants respectfully request the Examiner to return to Applicants' representative a copy of the PTOSB08 form initialed by the Examiner and indicating which reference was considered by the Examiner.

Rejections Under 35 U.S.C. § 112.

The Examiner has rejected claims 1-12, 14 and 23-25 under 35 USC § 112, second paragraph as being indefinite for failing to particularly point out and distinctively claim the subject matter which Applicants regard as the invention.

Applicants respectfully submit that claims 1-12, 14 and 23-25 have been amended and now include the features of a cleaning sheet having a first and a second outward surface wherein at least

one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys.

Applicants submit that this amendment should overcome the Examiner's rejection.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Rejections Under 35 U.S.C. § 102(e).

The Examiner has rejected claims 1-17, 23-27, 35, 36, 44-48 and 50-54 under 35 U.S.C. 102(e) as being anticipated by Shizuno et al. '397.

At the outset, Applicants respectfully remind the Examiner that independent claims 1, 23, 27 and 37 are all directed to a macroscopically three-dimensional cleaning sheet. As best understood by Applicants and as explained in the "Background of the Invention" section of the present application, the cleaning sheet of the '397 reference appears to be generally of a uniform nature at least on a macroscopic level.

Applicants submit that claims 1, 23, 27 and 37 have been amended and now include the features of a cleaning sheet having a first and a second outward surface wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys.

It is Applicants' position that the '397 reference does not teach or suggest a macroscopically three-dimensional cleaning sheet having a first and a second outward surface wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys. Since the '397 reference does not teach or suggest each and every elements of the claimed invention, it cannot anticipate claims 1-17, 23-27, 35, 36, 44-48 and 50-54.

The office action stated that it is reasonable to presume that the invention of Shizuno et al. would inherently anticipate the physical properties of the invention, since both inventions are drawn to hydroentangled cleaning sheets made of polyester or polyolefin fibers."

Applicants respectfully disagree with the Examiner.

Applicants wish to stress that the claimed invention is directed to macroscopically three-dimensional cleaning sheets which are not taught or suggested by Shizuno et al.

Applicants wish to stress that cleaning sheets having a macroscopically three-dimensional texture are defined not only in terms of dimensional parameters but also in terms of structure.

Applicants wish to point out to the Examiner that the term macroscopically three-dimensional is clearly defined in the specification as follows:

"As used herein, the term "macroscopic three-dimensionality", when used to describe three-dimensional cleaning sheets, means the three-dimensional pattern is readily visible to the naked eye when the perpendicular distance between the viewer's eye and the plane of the sheet is about 12 inches. In other words, the three-dimensional structures of the present invention are cleaning sheets that are non-planar, in that one or both surfaces of the sheet exist in multiple planes, where the distance between those planes is observable to the naked eye when the structure is observed from about 12 inches." (See page 3, lines 2-9)

definition

Even assuming *arguendo* that the cleaning sheet of Shizuno et al. comprises peaks and valleys providing a texture to an outward surface of the sheet, it is well settled that "what may be inherent is not necessarily known." *In re Naylor*, 369 F.2d 765, 768 (CCPA 1967). Similarly, it is well settled that "a retrospective view of inherency is not a substitute for some teaching or suggestion which supports the selection and use of the various elements in the particular claimed combination." *In re Newell*, 891 F.2d 899 (Fed. Cir. 1989).

In view of the foregoing remarks, reconsideration and withdrawal of the rejections are therefore respectfully requested.

Rejections Under 35 U.S.C. § 103(a).

The Examiner has rejected claims 18-22 and 31-34 under 35 U.S.C. 103(a) as being unpatentable over Shizuno et al. '397 in view of Henry '061 or Trasher '436.

The Examiner has rejected claims 28-30, 37, 40-43, 49 and 55 under 35 U.S.C. 103(a) as being unpatentable over Shizuno et al. '397 in view of Gilmore et al. '858.

The Examiner has rejected claims 18-22 and 31-34 under 35 U.S.C. 103(a) as being unpatentable over Shizuno et al. '397 in view of Gilmore et al. '858 and further in view of Henry '061 or Trasher '436.

Applicants have established that the Shizuno et al. reference does not teach or suggest a macroscopically three-dimensional cleaning sheet having a first and a second outward surface

wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys.

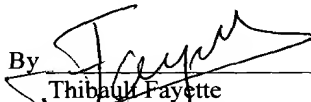
In addition, Applicants respectfully submit that neither Henry nor Trasher nor Gilmore teach or suggest teach or suggest a macroscopically three-dimensional cleaning sheet having a first and a second outward surface wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys.

Applicants note that "[t]o establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

It is therefore Applicants' position that the Examiner has failed to establish a *prima facie* case of obviousness.

In light of the foregoing, early and favorable action on all claims is requested.

Respectfully submitted,
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VERSION WITH MARKING TO SHOW CHANGES MADE.

IN THE CLAIMS

Please, amend the claims as follows:

1. (Amended) A macroscopically three-dimensional cleaning sheet having a first outward surface and a second outward surface, wherein at least one of the outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has an Average Peak to Peak Distance of at least about 1 mm and a Surface Topography Index from about 0.01 to about 10.
2. (Amended) The cleaning sheet of Claim 1 wherein said textured outward surface has an [the] Average Height Differential of [at least one of the outward surfaces is] at least about 0.5 mm.
3. (Amended) The cleaning sheet of Claim 2 wherein [the] said Average Height Differential [of at least one of the outward surfaces] is at least about 1 mm.
4. (Amended) The cleaning sheet of Claim 3 wherein [the] said Average Height Differential [of at least one of the outward surfaces] is from about 1 mm to about 3 mm.
5. (Amended) The cleaning sheet of Claim 1 wherein [the] said Average Peak to Peak Distance [of at least one of the outward surfaces] is at least about 2 mm.
6. (Amended) The cleaning sheet of Claim 5 wherein [the] said Average Peak to Peak Distance [of at least one of the outward surfaces] is at least about 3 mm.
7. (Amended) The cleaning sheet of Claim 1 wherein [the] said Average Peak to Peak Distance [of at least one of the outward surfaces] is from about 1 to about 20 mm.
8. (Amended) The cleaning sheet of Claim 7 wherein [the] said Average Peak to Peak Distance [of at least one of the outward surfaces] is from about 4 to about 12 mm.
9. (Amended) The cleaning sheet of Claim 1 wherein [the] said Surface Topography Index [of at least one of the outward surfaces] is from about 0.1 to about 5.

10. (Amended) The cleaning sheet of Claim 9 wherein [the] said Surface Topography Index [of at least one of the outward surfaces] is from about 0.2 to about 3.

11. (Amended) The cleaning sheet of Claim 10 wherein [the] said Surface Topography Index [of at least one of the outward surfaces] is from about 0.3 to about 2.

12. (Amended) The cleaning sheet of claim 1 wherein said [cleaning sheet] textured outward surface has an Average Peak to Peak Distance of from about 3 mm to about 16 mm, a Surface Topography Index of from about 0.1 to about 5, and an Average Height Differential of from about 0.5 to about 6.

14. (Amended) The cleaning sheet of claim 1 wherein said [cleaning sheet] textured outward surface has an Average Peak to Peak Distance of from about 4 mm to about 12 mm, a Surface Topography Index of from about 0.2 to about 3, and an Average Height Differential of from about 1 to about 3.

23. (Amended) A macroscopically three-dimensional cleaning sheet having a first outward surface and a second outward surface, wherein at least one of the outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has (i) an Average Peak to Peak Distance of from about 1 to about 20 mm; (ii) a Surface Topography Index from about 0.2 to about 3; and (iii) an Average Height Differential of at least about 0.5 mm.

24. (Amended) The cleaning sheet of Claim 23 wherein [at least one of the outward surfaces has an] said Average Peak to Peak Distance [of] is from about 4 to about 12 mm.

25. (Amended) The cleaning sheet of Claim 23 wherein [at least one of the outward surfaces has an] said Surface Topography Index [of] is from about 0.3 to about 2.

27. (Amended) A macroscopically three-dimensional, hydroentangled, nonwoven cleaning sheet for removing dust from a surface, said cleaning sheet comprising at least two fibrous layers; wherein said fibrous layers are hydroentangled with each other; wherein said cleaning sheet has a first outward surface and a second outward surface, wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has an Average Peak to Peak Distance

of from about 3 to about 16 mm, a Surface Topography Index from about 0.1 to about 5, and an Average Height Differential of from about 0.5 to about 6 mm.

37. (Amended) A macroscopically three-dimensional, hydroentangled, nonwoven cleaning sheet for removing dust from a surface, said cleaning sheet comprising at least two fibrous layers and a scrim material; wherein said fibrous layers are hydroentangled with said scrim material; wherein said cleaning sheet has a first outward surface and a second outward surface, wherein at least one of said outward surfaces a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has an Average Peak to Peak Distance of from about 3 to about 16 mm, a Surface Topography Index from about 0.1 to about 5, and an Average Height Differential of from about 0.5 to about 6 mm.